

**TRANSLATION**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>B03/3923QT</b>	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. <b>PCT/FR2004/002951</b>	International filing date ( <i>day/month/year</i> ) <b>19.11.2004</b>	Priority date ( <i>day/month/year</i> ) <b>21.11.2003</b>
International Patent Classification (IPC) or national classification and IPC <b>A01G9/12</b>		
Applicant <b>CHANET, Guy</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> ( <i>sent to the applicant and to the International Bureau</i> ) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> ( <i>sent to the International Bureau only</i> ) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/002951

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-6 \_\_\_\_\_ as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. 1-6 \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/2-2/2 \_\_\_\_\_ as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>4, 6</u>	YES
	Claims	<u>1-3, 5</u>	NO
Inventive step (IS)	Claims	<u>4, 6</u>	YES
	Claims	<u></u>	NO
Industrial applicability (IA)	Claims	<u>1-6</u>	YES
	Claims	<u></u>	NO
2. Citations and explanations (Rule 70.7)			
1. Reference is made to the following documents:			
D1: US-A-5 913 728 (CHANET GUY FRANCOIS ET AL) 22 June 1999 (1999-06-22)			
D2: US 2002/029518 A1 (PECK WALTER L) 14 March 2002 (2002-03-14)			
D3: WO 01/22802 A (ROCKA ARTHUR J) 5 April 2001 (2001-04-05)			
D4: DE 34 00 838 A (FISCHER RUEDIGER) 18 July 1985 (1985-07-18)			
D5: EP-A-0 317 713 (RIESSELMANN & SOHN) 31 May 1989 (1989-05-31)			
2. INDEPENDENT CLAIM 1			
2.1 The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 1 does not comply with the criterion of novelty as defined by PCT Article 33(2).			
D1 describes (the references between parentheses apply to said document) a one-piece container, particularly a support for plants, including at			

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	<p>least two coaxial ring-shaped elements (2, 3, 4) connected by arms (5, 6) of which the end portions extend laterally relative to said ring-shaped elements and are hinged thereon by means of deformable hinge pins (11, 19) extending radially; said ring-shaped elements (2, 3, 4) can be moved coaxially relative to one another between a retracted position (figure 2) in which said ring-shaped elements are arranged around and at a distance from each other and said arms extend therebetween, and an extended position in which said ring-shaped elements are spaced apart and, at the same time, the orientation of said arms changes and the ring-shaped elements turn relative to one another; wherein said arms (5, 6) and said ring-shaped elements (2, 3, 4) include reciprocal holding means (8, 9, 10, 18, 20; see also column 1, lines 39 to 41, and claims 9 and 10), which in turn include projecting fingers (9, 10, 20) located alongside and at a distance from said hinge pins (11, 19) such that they are mutually vertically adjacent (figure 4) when said ring-shaped elements and said arms are moved to the above-mentioned extended position and mutually engage thereby holding said ring-shaped elements and said arms in said extended position.</p> <p>3.       DEPENDENT CLAIMS 2, 3 and 5</p> <p>Said claims contain no features which, when combined with the features of any one of the claims to which they refer, meet the PCT</p>

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	<p>requirements of novelty (PCT Article 33(2); see figures 2, 3 and 4 of D1).</p> <p>4.      DEPENDENT CLAIMS 4 and 6</p> <p>The combination of the features of claims is not found in the prior art and cannot be derived in an obvious manner therefrom for the following reasons:</p> <p>With respect to claim 4, none of the prior art documents considered describes projecting fingers provided respectively with hollow and projecting portions forming hooks that radially engage in the extended position. The problem solved by these features (strengthening the structure of the container) is not even expressed in D1.</p> <p>With respect to claim 6, D4 describes an appendage 24 of which the end is provided with a fastening fork 25. However, said appendage is attached to an arm that does not fold and is much simpler than the one in D1. It would therefore not be obvious for a person skilled in the art to combine this feature with the folding arm described in D1.</p>